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January 4, 2001

Mr. John Harmer
P.O. Box 721
Bountiful, Utah 84011



Dear John Harmer;

What I am submitting as a proposal to John Ashcroft, as the Attorney General for the Bush Presidency, is that I be hired by the Attorney General, either as an outside counsel, or as a U.S. Attorney, to serve as his "surrogate" and head up a special U.S. Attorney General West Coast Task Force, as a "coordinator" with a roving Commission. Such a "roving" Task Force would provide "Time and Motion Studies" of pornographic videotapes on the market and other legal advice to assist those City, County and State Government Officials on the West Coast and elsewhere who want to effect a change in their local communities, and are willing to fight back and halt the dissemination of pornographic videotapes.



April 19, 1988 to Mr. Kenneth Skinner, and my reference to the Mormon's "National Center for Constitutional Studies" which had pledged a matching grant of \$35,000.00 for that purpose.

George W. Bush has said on a *Larry King Live* T.V. broadcast that he would not attempt to change the morality, but would "set the tone". The U.S. Attorney General's Office can "set the tone" by taking those lawful actions which are available to put one of the satellite broadcasters of pornographic videotapes out of business^{1/} and then, when that operation is well underway to a successful conclusion, have the Office of the Presidency modernize the International Treaty to Ban Obscenity by naming the U.S. Attorney General as the "authority" designated by the U.S. to discharge its duty to the International Community as an admission of our "world" responsibility "to set the tone" and ban hardcore films from our satellite transmissions.

article

^{1/} As was later accomplished in Montgomery County, Alabama in 1990 in the case of the Exxtacy Network and the Tuxedo Network. See, in this regard, Volume 7 at "Tab D .



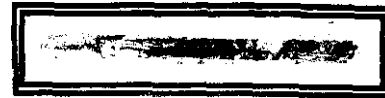
**THE USE OF THE TIME AND MOTION STUDIES IN THE 1976-1987
SANTA ANA LITIGATION**

My point is that the Mitchell Brothers were not able to stop the City in the courtroom because we prepared a Time and Motion Study for every film the Mitchell Brothers exhibited, and the City Council filed an abatement lawsuit on every Time and Motion Study which was placed before the City Council.

Some 144 full length features (90 min.) were adjudicated in the Orange County Superior Trial Courts and everyone was held to be hard-core pornography. I can state for the record that the same result can be achieved in Los Angeles today. What is needed right now is the communication of this fact to the U.S. Attorney General, and the active support of U.S. Attorney General John Ashcroft, so that it can be used again in the Los Angeles area as outlined in Volumes 5 through 8.

You will recall the 1986-1988 years as the time when Ed Meese was under legal attack by powerful coalitions of individuals and entities which sought to drive him from his pinnacle of power as head of the Meese Commission on Obscenity and Pornography, and author of the *Final Report of the Attorney General's Commission on Pornography*, Supt. of Docs., U.S. G.P.O., 1986.

The first four of the eight volumes I am sending you are reference materials to refresh your recollection as to (1) the nature of the effort in which the Commission was involved; (2) the unfortunate historical event (March 16, 1988) which interrupted that undertaking and prevented us from going forward; (3) the adverse historical developments in both the



F.C.C. and the Communications Industry; and (4) the real potential that exists today to renew that effort and bring that operation to a successful conclusion under Attorney General John Ashcroft, and the new Los Angeles County Administration headed by Mike Antonovich as Chairman of the Board of Supervisors and Steve Cooley as the new District Attorney of Los Angeles County.

Don't let this volume of reference material bother you. **Look** at each of the volumes in its special context, as outlined in this letter, and you will be able to see it all the more clearly now. The four volumes which are marked as follows:

Volume 5 Volume 6 Volume 7 Volume 8

represent what is presently on the horizon and can be accomplished now as a step in the right direction in the year 2001. The Los Angeles County Board of Supervisors (*Mike Antonovich*) and the Los Angeles County District Attorney's Office (Steve Cooley) are led by public officials with the very finest reputations for law enforcement.

Volume 1 starts with my letter of April 4, 1988 to Charlie Keating which was two weeks after the notorious March 16TH event in Attorney General Meese's Office. See the March 30TH news articles at "Tab A" of Volume 1. Its enclosures should familiarize you with what the Cardinal Mahony Commission was trying to accomplish, and Meese's role in that effort. It describes the four separate video studies which were undertaken; what those studies encompassed; the Colleen Applegate lawsuit to annul the 29 copyrights; the reliance upon Attorney General Meese to act; Meese's Grand Jury problems which precluded his taking any action; the resort to other means— the private lawsuit and/or the proposed Peter Broderick Niagara County, New York lawsuit; and the inability to obtain the private funding for what should have been a public lawsuit.

It is a real tragedy that one of the three charitable foundations did **not come forward** with a contribution of moneys to **match** the Mormon **offer of matching funds**. The "roving" personal services and the analytical Time and Motion Studies and facilities (tools) **that are** offered to John Ashcroft in this **letter are a means of avoiding** that 1988 impasse. **They fill** the void that was **created when** U.S. Attorney Robert **Bonner and** others failed to act responsibly. Since I do not walk **in** Bonner's moccasins, I do not know nor can I explain why he defaulted.

Volume 2: starts with my April 19, 1988 unsuccessful solicitation of grant money from the Fritz B. Burns Foundation in a "last ditch" effort to fund a civil lawsuit to void the Federal Copyrights in 29 pornographic videotapes. The civil action was to have been



brought on behalf of a Catholic couple whose young daughter, Colleen Applegate, was "seduced by the "Trade", made 29 pornographic films, and then committed suicide. The Federal Copyrights to her films are owned by members in the "Trade". Her films were being broadcast to the World via Satellite from the Great City of New York, under the "protection" of the Federal Copyrights and in violation of a U.S. International Treaty with other Nations which forbids such trade in obscene materials. See a copy of the Treaty at "Tab 3(a)" to Volume 3.

"Tab 1" to Volume 2 contains eight (8) news reports on the strong leadership role that Cardinal Roger Mahony played in that effort. I was proud of the fact that he, as a Catholic Cardinal, had no difficulty in signing each of the strong Resolutions that I, as the attorney for the Commission, had drafted. I attribute that resolute behavior to the fact that he was educated by the B.V.M. nuns at St. Charles Catholic School in the San Fernando Valley. My sister, Mary Louise, is a nun in the B.V.M. Order.

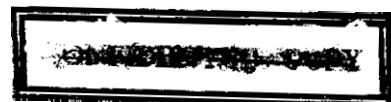
I am certain that, had Fritz B. Bums been alive today, he would have made the grant. He had "convictions". The late Cardinal Timothy Manning, in commenting in a LA. Tidings news article on the "lack of conviction" which is so prevalent today, quoted from the Irish poet Yeats in his "The Second Coming" (1921), st. 1:

"Turning and turning in the widening
gyre
The falcon cannot hear the falconer;
Things fall apart; the center cannot
hold;
Mere anarchy is loosed upon the
World,
The blood-dimmed tide is loosed, and
everywhere
The ceremony of innocence is
drowned;
The best lack all conviction, while the
worst
Are full of passionate intensity."

I am confident that the George W. Bush Presidency is going to bring about a change for the

Mr. John Harner
January 4, 2001
Page E of 20 pages.

The Law Office of James J. Clancy



copyrights to be void. My 11 years **experience in Santa Ana** has left me with an extremely low personal opinion of the Justices then sitting on the Court—**they all lacked "conviction,"** and are part of the problem that Yeats writes about. **Volume 3** also contains at Tab 3(a)

a copy of the International Treaty of 1911 which requires each Nation to repress **obscenity**; the Colleen Applegate and Deep Throat copyright **data**; and the **1986 news article** describing the San Fernando Valley Billion **Dollar** Industry in Pornography (I can recall the day when one could not find a single porno store in the entire San Fernando Valley— that statistic itself is a cause for alarm).

Volume 4 begins with my Memorandum to the Los Angeles Archdiocese Commission on Pornography dated November 1, 1987. It concerns the surveillances by **Robert McGuire** on the American Exxtacy Channel. A-copy; of pages 1-5 of my Memorandum read as follows:

JAMES J. CLANCY

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M E M O R A N D U M

TO: MEMBERS OF THE LOS ANGELES ARCHDIOCESE COMMISSION ON PORNOGRAPHY

FROM: JAMES J. CLANCY

DATE: NOVEMBER 1, 1987

RE: RESOLUTION REQUESTING THAT **LAW ENFORCEMENT OFFICIALS** CONDUCT AN INVESTIGATION OF **95 MOTION PICTURE FILMS** WHICH **ARE** CURRENTLY BEING BROADCAST ON SPACENET 1 (S-1), CHANNEL 18 DURING THE **FOUR-MONTH PERIOD** FROM SEPTEMBER, 1987 THROUGH DECEMBER 31, 1987, TO **DETERMINE** WHETHER FEDERAL OBSCENITY LAWS RELATING TO TELEVISION BROADCASTING HAVE BEEN VIOLATED.

On Monday, November 2, 1987, the Archdiocese Commission on Pornography will be asked to consider the enclosed resolution for adoption (see copy at exhibit 1 to this Memorandum). The



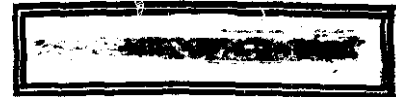
proposed resolution asks the Federal Bureau of Investigation, the Federal Communications Commission, and the United States Attorney for the Central District of California to conduct an investigation of 95 motion picture films which are scheduled for broadcast over Spacenet 1 (S-1), channel 18 during the four-month period from September 1, 1987, through December 31, 1987 (which are being offered for sale in their copyrighted version in videotape form in videotape outlets) to determine whether federal obscenity laws relating to the television broadcasting have been violated.

The 95 films which are being exhibited by American Exxtasy on satellite station S-1 (channel 18) during the four month period from September 1, 1987 through December 31, 1987 are listed alphabetically at exhibit 2 to this Memorandum. Five films are being shown each night, with showtimes (Pacific time) being 7:00 p.m., 8:30 p.m., 10:00 p.m., 11:30 p.m. and 1:00 a.m.

The transmitting source for this service is Home Dish Only Satellite Networks, Inc., 419 Park Avenue South, New York, New York 10016. A copy of the program which is supplied by Home Dish Only for its service called "American Exxtasy", with play dates and play times for each of the films from September 1, 1987 through December 31, 1987, appears at exhibit 3 to this Memorandum.

prior to October 15, 1987, surveillance operator Robert McGuire paid the subscription price to Home Dish Only of \$240.00 per year (with an additional \$350.00 for the descrambler) and commenced surveilling Station 1, channel 18. Channel 18 transmits from 3:00 p.m. through 7:00 p.m. unencoded, with previews of coming attractions of the films which are to be shown in an encoded format, in which they advertise their films as "unedited hard-core originals". Surveillance of the plain language unencoded transmissions from 3:00 p.m. through 7:00 p.m. were made on October 8, 12 and 14, during which time it was shown that channel 18 transmitted three hours of previews and one hour of a format known as the "Hot Shopper Hour" with Gloria Leonard. A summary of the program exhibited on those three dates is attached as exhibit 4 to this Memorandum.

Commencing on October 15, 1987, a continuous surveillance was maintained of the "American Exxtasy" broadcast from 3:00 p.m., which included three hours of broadcasts of coming attractions (unencoded), one hour of the "Hot Shopper Hour" (unencoded), and 7 1/4 hours of encoded hard-core pornographic films. During the 7 1/4 hours, four hard-core pornographic films were shown, with the first one repeated as the last film, or fifth film.



In my recall, this is the first time in which the Federal Bureau of Investigation, the Federal Communications Commission and the U.S. Attorney have been asked to enforce the law against a course of conduct such as this, where the transmitting source openly advertises the films which it is transmitting as hard-core originals, and where the portrayals themselves are, beyond all doubt, hard-core pornography under federal standards.

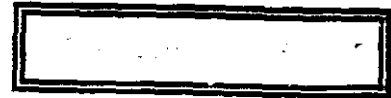
Because of the serious nature of this emerging problem, I recommend that the subject matter of this Resolution be brought to the attention of Archbishop Roger Mahony, while he is in Washington, D.C. at the meeting of the American Bishops on November 16 through 20, 1987, and that the Archbishop be requested to personally bring this subject matter to the attention of William S. Sessions, Director of the Federal Bureau of Investigations, Dennis Patrick, Chairman of the Federal Communications Commission, and U.S. Attorney General Edwin Meese with a request that the federal courts and the federal injunction laws be immediately employed to enjoin the exhibition of these world-wide satellite television transmissions of hard-core pornography from the United States of America.

The significance of this recent new development must be examined in its proper perspective. The United States Supreme Court has specifically held that the exhibition of obscenity to "consenting adults" was not a defense to the federal obscenity statutes. See Paris Adult Theatre I v. Slaton 413 US 49 at 68 and 69. The "Industry" is now attempting to reverse that holding. See, here, the comments of Los Angeles obscenity defense attorney John Weston on June 1, 1987 to an audience of what, in my opinion, must be recognized as "organized crime", wherein he acknowledged that they lost by one vote in 1973, and that that is really what's at stake". A copy of pages 68 and 69 of the Paris Adult Theatre opinion and the transcript of Weston's remarks is attached as exhibit 6 to this memorandum.

Sincerely,

A handwritten signature in cursive script, appearing to read "James J. Clancy".

James J. Clancy



The Resolution of the Commission, thereafter on November 2, 1987 reads as follows:

ACTION BY UNANIMOUS WRITTEN CONSENT
BY MEMBERS OF
ARCHDIOCESE OF LOS ANGELES
COMMISSION ON OBSCENITY AND PORNOGRAPHY

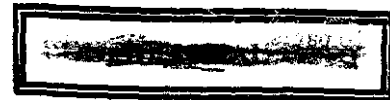
We, the undersigned, being all of the members of the Archdiocese of Los Angeles Commission on Obscenity and Pornography, do hereby consent to the adoption of, and do hereby adopt, the following resolution at this meeting of the Commission on Monday, November 2, 1987:

WHEREAS, on February 22, 1985, the United States Attorney General established a Commission on Pornography (hereinafter "Attorney General's Commission") and charged it with the responsibility "to determine the nature, extent and impact on Society of Pornography in the United States, and to make specific recommendations to the Attorney General concerning more effective ways in which the spread of pornography could be contained, consistent with constitutional guarantees"; and

WHEREAS, the Final Report of the Attorney General's Commission provides 14 "suggestions" regarding "Methods By Which Citizens Can Express Concern About Pornography and Other Offensive Materials in Their Area (Community)" and 36 "Recommendations For The Justice, System and Law Enforcement Agencies" which are recommended as effective steps to be taken by organizations involved in the effort to contain the spread of pornography, consistent with constitutional guarantees; and

WHEREAS, the Most Reverend Roger Mahony, Archbishop of the Archdiocese of Los Angeles has established an "Archdiocese of Los Angeles Commission on Obscenity and Pornography" (hereinafter "Archdiocese of Los Angeles Commission") and has charged it with the responsibility of implementing the above suggestions of the Attorney General's commission and coordinating the efforts of concerned citizens in their efforts to halt the spread of pornography in their local communities; and

WHEREAS, pursuant to that mandate, the Archdiocese of Los Angeles Commission, has undertaken a study of twenty motion picture films, identified by title in Enclosure A to this Resolution, and has received information that such films are regularly being exhibited in 35mm format at theaters in the Archdiocese of Los Angeles and throughout Southern California,



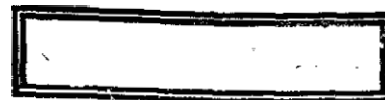
and are presently being offered for sale in videotape form at retail outlets throughout California and have been exhibited on Satellite television signal spacenet (S-1), Channel 18, also known as the "American Exxtasy Channel" in the Archdiocese of Los Angeles during the period from October 15 through October 31, 1987; and

WHEREAS, it is the unanimous opinion of the members of the Archdiocese of Los Angeles Commission that the "videotape" version and the Satellite "American Exxtasy Channel" television version of said twenty motion picture films are identical, and the time and motion study analyses of the same, which have been examined by the Commission members, contain subject matter which is in violation of the Community Standards of the Los Angeles Community, the obscenity statutes of the United States Government, and the obscenity statutes of the State of California; and

WHEREAS, the Archdiocese of Los Angeles Commission has received information that said twenty motion picture films which are being transmitted nationally and internationally by satellite are also being distributed nationally to the 50 states of this nation, and internationally to other foreign countries from places of business in Los Angeles County; and the containers of such videotapes films provide information that said twenty videotapes are being manufactured in, and distributed from Los Angeles County, and are being granted copyright protection by The United States Government Copyright Section of the Library of Congress; and

WHEREAS, the Archdiocese of Los Angeles Commission has examined the trial facts (i.e., videotape and time and motion study of the film "School Girl") and opinion of the Court of Appeals in U.S. v. Sandy, et al., 605 F.2d 210 (CA, 6th) July 27, 1979, cert. denied in Gordon v. U.S. and Friedlander v. U.S., 444 U.S. 984 (December 3, 1984), with Justices Brennan, Stewart, and Marshall voting to grant certiorari and reverse the conviction; involving the federal crime of conspiracy to exhibit the obscene motion picture film "School Girl", and is of the unanimous opinion that the content and character of the film "School Girl" is the same as the twenty motion picture films named above and that the "television" broadcast of said films is also a violation of the federal "conspiracy" crime which was examined and affirmed in the review of U.S. v. Sandy, supra; and

WHEREAS, it is the unanimous opinion of the members of the Archdiocese of Los Angeles Commission that such business practices of manufacture and distribution and exhibition of the above named twenty hard-core Pornography films and other films of the same character and content On Satellite Television, Spacenet



7(13), 7(14) and 7(15)" to Volume 4. These pages are worth reading because they explain

Twelve years later, the videotape obscenity problem is at a disaster level because of the failure to act in 1988. The best indicator of that fact is the October 30, 2000 Editorial in the *St. Louis Dispatch*, and the "Wall Street meets Pornography" article on October 23, 2000 by Timothy Egan (with a Provo, Utah byline). See copies at "Tab 6" of Volume 5 (my

agnostics, and atheists) want to see President-Elect George W. Bush step forward in a leadership role and succeed. Europe and Asia and the rest of the World is looking at

sense of "pride" and want their motherland to be regarded as "principled". "Lewdness" still has a "sick" connotation in our dictionary of "words". This is an ideal project in which Attomev General Ashcroft can take a leadership role on behalf of the George W. Bush Presidency. The Time and Motion Study vehicle acts as a road block to prevent pettifogging attorneys like John Weston from attacking from the rear by innuendo. See here, the



Attorney General's [redacted] Community action [redacted]
organizations can provide assistance in support to
local, state and federal [redacted] performance
of their duties.

Attorney General's Suggestion #10. Citizens can use
grassroots efforts to express opposition to
pornographic materials to which they object.

Attorney General's Recommendation #11. The Attorney
General should direct the United States Attorneys to
examine the obscenity problem in their respective
districts, identify offenders, initiate investigations,
and commence prosecution without further delay.

Attorney General's Recommendation #13. The Department
of Justice should initiate the creation of an obscenity
law enforcement data base which would serve as a
resource network for federal, state and local law
enforcement agencies.

Attorney General's Recommendation #14. The United
States Attorneys should use Law Enforcement
Coordinating committees to coordinate enforcement of
the obscenity laws and to maintain surveillance of the
nature and extent of the obscenity problem within each
district.

Attorney General's Recommendation #15. The Department
of Justice and United States Attorneys should use the
Racketeer Influenced Corrupt Organization Act (RICO) as
a means of prosecuting major producers and distributors
of obscene material.

Attorney General's Recommendation #17. The United
States Attorneys should use all available Federal
statutes to prosecute obscenity law violations
involving cable and satellite television.

Attorney General's Recommendation #26. Federal law
enforcement agencies should conduct active and thorough
investigations of all significant violations of the
obscenity laws with interstate dimensions.

Attorney General's Recommendation #27. The Federal
Communications Commission should use full
regulatory powers and impose appropriate sanctions
against cable and satellite television programmers who
transmit obscene programs.



L.A. Times news article dated April 9, 1988, with Weston's comments at "Tab 1" of Volume 2.

This videotape/porno/cable T.V. problem which George W. Bush has inherited presents both a serious problem and a great opportunity. A.T.&T. and the so call "fat cats" are ready to "move in" and "participate in the profits". In my own mind, I wonder why the U.S. Government did not act in 1988 and 1989. Who led the opposition?

In my judgment, this problem is serious enough to warrant the George W. Bush Presidency to step forward and make it financially possible for you, as Reagan's ex-Lt. Governor, and as a recognized leader with moral concerns to take on the job as U.S. Attorney for the Central District of California (under the leadership of John Ashcroft) in which case I would relish acting as your surrogate and do what has to be done to effectuate that objective and do away with the hard-core pornographic videotapes that are flooding the market.

CONCLUSION

My personal comments on Volume 4 and its "failure" are as follows:

1. No action was taken by Los Angeles law enforcement with respect to the actions of the Commission.
2. I do not know why responsible action was not taken.
3. I would like to have someone explain to me why no action was taken.
4. Two years later, American Exxxtacy Network and Tuxedo Network were indicted and convicted and thrown off the air on the identical evidence which was uroduced by the Archdiocese Commission in 1988. See in this regard, my letters dated February 9 and 10, 1990 which appear at "Tab D to Volume 7 and at Exhibit 1 to this letter.

One of the tasks of the U.S. Attorney in Central California should be to convince the Southern California City Fathers that the U.S. Attorney General's Office stands ready to point the way for the individual cities to "take on" those cable industries who are willing to provide pornography, simply because it is an open market and available for making money profits.



+ Roger Mahony
Most Reverend Roger Mahony
Archbishop of Los Angeles

Marilyn Mathers
Marilyn Mathers
Media Chair. A chdiocesan
Council of Catholic Women

Philip Barbaro Jr.
Mr. Philip Barbaro, Jr.
Attorney at Law

Dr. Joseph Nicolosi
Dr. Joseph Nicolosi
Psychologist

James J. Clancy
James J. Clancy
Attorney at Law

Rev. Msgr. George Parnassus
Rev. Msgr. George Parnassus
Pastor, St. Victor's Church.

Monsignor Thomas Curry
Monsignor Thomas Curry
vicar for Clergy

Monsignor Joseph Pollard
Monsignor Joseph Pollard
Pastor, St. Brendan Church

Monsignor Charles Fortier
Monsignor Charles Fortier
amily Life/Bureau

Rev. Raymond Saplis
Rev. Raymond Saplis
Pastor, St. Euphrasia Church

Mr. Raymond Gauer
Mr. Raymond Gauer
Attorney at Law

Mrs. Erika Scarano
Mrs. Erika Scarano
Los Angeles County Commission
Obscenity and Pornography

Dr. Dennis Jarrard
Dr. Dennis Jarrard
Educator, Chair

Sr. Clare Reinert, SSJ
Sr. Clare Reinert
Director, San 'Pedro Regional
Pastoral Council

Mr. Salvatore Maiorino
Mr. Salvatore Maiorino
Marketing Manager

Rev. Aidan Comerford
Rev. Aidan Comerford
Associate Pastor
St. Robert Bellarmine Church

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February 5, 2001

Mr. Carl H. Lindner
American Financial Group
One East Fourth Street
Cincinnati, Ohio 45202

Re: (1) Opposition to Los Angeles County Supervisor Zev Yaroslavsky's Proposed Motion on Wednesday, February 14, 2001 to Disband the L.A. County Commission on Obscenity, (2) Counter-Motion by Law Enforcement Officials And/Or the Undersigned, Acting as a Private Attorney General, on Wednesday, February 14, 2001 to Abate and Terminate the Exhibition of Pornographic Movies by Cable T.V. Provider A.T.&T., "In Demand" Pay Television Exhibitions in Los Angeles County, and (3) Request for a Charitable Contribution to Make Such Law Enforcement Efforts Possible.

Dear Mr. Lindner:

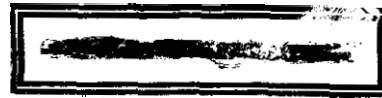
Four months ago (October 9, 2000), I wrote you of the attempt of Fr. Lawlor and myself to gain support in our "Quest" - the "rehabilitation" of the reputation of Charlie Keating. I did not succeed in that effort. Charlie Keating is still busy establishing an export business of used auto parts to Mexico and is completely occupied with the problem of getting his feet back on the ground. A copy of the October 9TH letter is attached as **Exhibit A** to this letter, to refresh your recollection on those matters.

In the interim, I have developed a plan for the use of legal proceedings to terminate the exhibition of pornographic videotapes by A.T.&T. on Cable Pay T.V., which utilizes timed-still photographs, captured by a digital camera¹, to construct a **Time and Motion**

¹ The use of negative film and still photographs from an old fashioned movie camera is completely outdated by modern digital camera and computer technology. It would not be possible to execute this operation using the old system.

Mr John Harmer
January 4, 2001
"age 20 of 20 pages."

The Law Office of James J. Clancy



The general public should be informed that the hard-core videotape is the primary target of the U.S. Government because it can be quickly and positively analyzed. Using the Time and Motion Study technique, a 90 minute pornographic tape can be identified as such beyond a reasonable doubt in 2-3 minutes or 5 minutes at the most. The initial thrust would be to use the civil process (e.g., public nuisance abatement) and the Time and Motion Study process and to limit the offer of city services to the videotape problem. Once a sufficient number of verdicts has been achieved, the criminal and civil R.I.C.O. statutes could be employed.

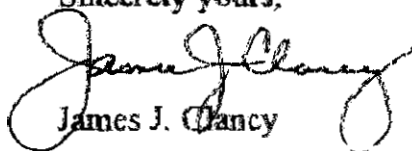
The City of Santa Ana was able to get 155 obscenity verdicts and stay in the Orange County Superior Court for 11 years because of this phenomenon. It was done there and can be duplicated here in the San Fernando Valley against the prime manufacturers. The funding of such an office would be justified as the equivalent of a financial grant for prosecution purposes.

the law enforcement officials acted responsibly in 1983 the Ecstasy Network

I have a 4,000 square foot, two story structure that is equipped as a law office on a three acre, secluded plot of land, located within 10 minutes of the Hollywood-Burbank Airport, within easy access to other cities on the West Coast which can provide overnight accommodation, and train new law school graduates and other young governmental attorneys who are interested in law enforcement and in engaging in an interesting area of the law.

It can also be used by lay persons to assist in the preparation of Time and Motion

Sincerely yours,


James J. Clancy

JJC/cjc

Encls.:

Exhibit 1: N.Y. Times news article dated May 3, 1990
Prepared Volumes, numbered 1-8.
Six (6) briefs in support of the George W. Bush Presidency

support from the most liberally-oriented judges, federal or state, and will guarantee its admission in evidence in a quick, easy, and "certain" "procedural" manner, by incorporation in the Complaint by reference; (3) the opportunity to rely upon the "thoughtful precedent" handed down by the Ohio Supreme Court in State of Ohio ex rel. Charles Keating v. "Vixen", 272 N.E.2d 137, 27 Ohio St.2d 278 (July 21, 1971), wherein that Court held the Motion Picture Film "Vixen" was both "obscene" under Ohio Judicial Standards and a moral public nuisance under the Ohio "Sir Charles Sedley" Moral Public Nuisance Abatement Statute because of the lewd acts and lewd conduct which were "portrayed" throughout the film which the Ohio Trial Court would be required to excise, notwithstanding Federal 1st Amendment challenges. See pages 1-34 of the Motion to Affirm in the U.S. Supreme Court in A Motion Picture Entitled "Vixen" v. Ohio ex rel. Keating, U.S.S.C.T. No. 71-599, October Term: 1971, at Exhibit D to this letter; and (4) the tough forfeiture penalties which are available to government. See copy of Astol Calero-Toledo v. Pearson Yacht Leasing Co., supra at Exhibit E to this letter.

Recently Robin Gallagher (who is writing a Doctorate Paper on the subject of Obscenity at the University of North Carolina School of Journalism and Mass Communication at Chapel Hill and, as such, has been reviewing my personal papers) asked me when the Time and Motion Study analysis was first used by me in the courtroom in obscenity lawsuits. I originally stated as my recollection that it was in the California Public Nuisance Abatement lawsuit entitled People ex rel. Busch v. Projection Room Theater, 17 Cal.3d 42, 130 Cal.Rptr. 328, 550 P.2d 600 (1976) which was undertaken by L.A. City Attorney Arnebergh at my request after a Deputy District Attorney under Los Angeles County District Attorney Busch would not file the Abatement action which pleaded the Time and Motion Studies by incorporation in the Abatement Complaint (which I had prepared and submitted to law enforcement).

Later, in "pondering" upon the "lewd conduct" which is being broadcast in the Motion Picture Films being shown in Los Angeles by A.T.&T. Broadband Cable, I recalled Robin Gallagher's inquiry, and realized that my original "recollection" was in error. The first time that I had used that analytical device was in the case of John Harmer v. "Oh Calcutta", supra, the 1970 California Public Nuisance Abatement lawsuit to abate live "lewd conduct" on the public stage, pursuant to the "Sir Charles Sedley" 10th and 11th Amendment law enforcement limitations on the so-called 1st Amendment Federal "Free Speech guarantee".

At the start of this "Cable TV" project involving A.T.&T., I made a videotaped recording of the first hour-long "adult film" entitled "Weekend in Bologna" which was broadcast on Saturday, January 27th by A.T.&T. on its "Hot Channel" after: (1) A.T.&T.'s

Study analysis of the Adult Cable Program. This plan has been partially implemented and the "autoptical" evidence which has thus far been adduced has assured me beyond all doubt that this law enforcement effort will be successful in both the State and Federal Courtrooms. The development of this plan is discussed (in part) in the text of my recent letter to John Harmer of **January 4, 2001**, a **confidential** copy of which is attached as **Exhibit B** to this letter. The films which A.T.&T. is exhibiting to its Channel 96 Cable audience are hard-core pornography in the extreme.

When I wrote the Harmer letter on January 4, 2001, I did not believe that the opportunity to **do "good"** could get much better—I was wrong. Since the Harmer letter, I have stumbled upon an opportunity of even greater significance; that is, the plenary power of government to abate "lewd" Moral Public Nuisances and the "Sir Charles Sedley" type of "public lewdness" under the Common Law and State Statutes, such as the California and Ohio Public Nuisance Abatement Statutes.

It is this matter which has caused me to again seek your support. This time the support that I need is both financial and political, in as much as I **am** convinced that, from a tactical standpoint: i.e., the type of relief (forfeiture) which is sought, under *Astol Calero-Toledo v. Pearson Yacht Leasing Co.*, 416 U.S. 633 at 683, 40 L.Ed.2d 452 at 468, 94 S.Ct. 2080 at ____ (1974), the Bush Administration and U.S. Attorney General John Ashcroft should immediately give support to and "lead" this "State" effort which will be underway in Los Angeles, California on February **14, 2001**, and assist it to the NTH degree. I know that the procedural approach which I have adopted will work in both the State and Federal Courtrooms. I also **am** of the "belief" that the Bush Administration will look more closely at what I have proposed if it is "aware" that you think enough about the plan to both support its implementation financially, and bring it to the attention of the Bush Administration before it becomes operational.

From a strategic standpoint, the U.S. Attorney General's Office **would** profit, were it to intervene before the operation **is** made public. Such an **initiative would convince the** National audience (both Democrat **and Republican**) **that the Bush Administration is sincere** in its determination to set the (Moral) **tone for this Nation**.

What I have proposed is **made** feasible because of four factors: (1) the success achieved in the Courtroom in a 1970 California (Moral) Public Nuisance Abatement Civil Lawsuit, entitled *John Harmer v. "Oh Calcutta"* (Superior Court for the State of California, for the County of Los Angeles) (see here, pages **11-18** of John Harmer's "A War We Must Win" at **Exhibit C** to this letter); (2) the ability of the modern digital camera to marshal the type of "autoptical evidence" which will demand (require) judicial

to the rationale employed by the Ohio State Supreme Court "Vixen" decision.

I have researched this use of a digital camera and computer and determined that the basic equipment, i.e., digital camera, computer, hardware, printer, duplication, etc., which is initially needed to prepare such **Time and Motion Study** analysis for the pleadings will cost in the order of \$ 12,790.00 - \$20,000.00^{5/}. My specific request is that a substantial Grant be made for law enforcement purposes to Bruce Taylor's **National Law Center for Children and Families** on the East Coast, to be expended in connection with this Los Angeles County Cable T.V. operation described above^{6/}.

I submit that if I am given the opportunity to make a 2 hour personal presentation at your headquarters in Cincinnati, I will be able to convince you **with** respect to the autoptical evidence which has been marshalad in my daily surveillance and taping of **the** television broadcasts of the **A.T.&T.** "Hot Channel" from Sun Valley, California^{7/}, that the legal proceedings which are outlined above should immediately be brought to the attention of U.S. Attorney General John Ashcroft, for his personal evaluation regarding possible Federal involvement in the present instance. In my judgment, it would be a monumental blunder on my part to fail to bring this matter to C.S. Attorney General Ashcroft's personal attention,

^{5/} Estimated Price breakdown (of equipment and materials only) is as follows

Compuer (base price).	\$ 2,345.00
Adobe Photo Shop H.O.	\$ 675.00
Video capture Hardware/software (or additional Adobe software).	\$ 00000
Fire Wire Cable.	\$ 65.00
Monitor (17"-22").	\$ 000000
Epson Printer (11"x17" copy capable).	\$ 3,000.00
Nikon D1 Camera (computer interface, internal intervalometer, time/date generator, etc.).	\$ 4,999.00
Microdrive Storage (1 gigabyte storage for Camera).	\$ 499.00
Nikon Capture Computer Software.	\$ 499.00
Videorecorder (Industrial, computer interface/software; time/date generator).	\$ 000000
Videorecorder (standard, for duplication).	\$ 200.00
Videotape (6hr.x17 and copies).	\$ 134.00
'On Demand.' Pay per view fees.	\$ 102.00
Xerox paper (100 reams).	\$ 250.00
Audiotape (legend dictation, 117, 90 minute tapes).	\$ 22.00
	<u>\$ 12,790.00</u>

^{6/} To be referred to as the **"Aquinas, d.b.a. La Mancha" Operation.**

^{7/} Thus far I have video recorded 20 of such films in 7 days (consisting of 6 hour periods from 10:00p.m. to 4:00a.m. on January 27-31 and February 1-2), and will continue to videotape on a daily basis from Sunday, February 4 through Sunday, February 11, 2001

purchase of the local cable facility from Media One which serves Sun Valley, California^{2/}; and (2) A.T.&T.'s decision to offer "Adult" programming. As I observed the "content" of the film as it was being recorded. I was "reminded" of the **Time and Motion Study** question which Robin Gallagher had asked and recognized immediately that there was and is a much simpler solution to the "Cable T.V." videotape motion picture film problem than that solution which I proposed in the January 4TH Harmer letter which relates to vintage 1978-1988 videotape productions. In this present case of the cable "adult films", there is not the slightest indication of anything that could be claimed to be an "arguable" story line.

What is now being exhibited by Cable T.V. is simply a "filmed" version of an "Oh Calcutta" "live" stage play; i.e., a series of lewd public acts and conduct^{3/} which are subject to abatement under the "Sir Charles Sedley" Common Law remedy and the "lewd conduct" moral public nuisance abatement statutes of the 50 States of this Union and the Federal International Treaty against the transmission of such "public lewdness" to other civilized countries.

The Judgment reached by the Ohio Supreme Court in Ohio ex rel. Keating v. Vixen, supra is directly "in point" and provides the rationale of the legal response to the lewd "sexual conduct" being "publicly depicted" by the Adult Channels. All that need be done in this proposed lawsuit against A.T.&T. is: (1) marshal the autoptical "real" evidence of "public lewdness" by digital camera and computer; i.e., videotape the entire Adult Channel presentation; (2) convert the videotape to digital camera film and, using a computer and printer to access the film prepare a **Time and Motion Study** of the lewd sexual activity being publicly portrayed; and (3) plead the **Time and Motion Study** of "lewd public conduct" by reference in the moral public nuisance complaint (as was done procedurally in the public nuisance abatement complaint which was filed in People ex rel. Busch v. Projection Room Theater, supra), with a request that such film and lewd conduct be enjoined and that the unlawful profits of A.T.&T. "In Demand Adult T.V. in their entirety be "forfeited"^{4/} to the state and federal government for the Common Law and Statutory violation of the "Sir Charles Sedley public lewdness" nuisance abatement statutes, pursuant

^{2/} See, in this regard (1) the St. Louis Post Dispatch October 30, 2000 news article entitled "Obscenity Trouble in Sodom", and (2) Timothy Egan's 10 page New York Times news article dated October 23, 2000, which clearly implicates A.T.&T., copies of which appears hereinafter at **Exhibit F** to this letter.

^{3/} Two of A.T.&T.'s hourly productions, openly glamorize and tout one of Nevada's famous Brothels as an acceptable, normal way of life— a **type** of public nuisance which is known as the "corruption of public morals".

^{4/} See copy of Astol Calero-Toledo v. Pearson Yacht Leasing Co., 416 U.S. 633 at 683, 40 L.Ed.2d 452 at 468, 94 S.Ct. 2080 at ____ (1974), at **Exhibit E** to this letter.

"program" (known as "In Demand Pay T.V.") costs \$5.95 and runs from 10:00p.m. to 4:00a.m. (6 hours) and transmits 4 hard-core, pornographic features of approximately 60 minute duration (with some duplication) plus shorts and previews. I will be able to record approximately ten (10) more programs (February 4-12) before the public hearing by the Los Angeles County Board of Supervisors of Supervisor Yaroslavsky's February 14TH Motion to Deactivate the L.A. County Commission on Obscenity, which Motion is opposed by Supervisors Antonovich and Knabe.

4. We should be able to have the Digital Time and Motion Study Analysis Camera and equipment in operation this week (February 5-10), and hopefully will have two 60 minute samples available of the January 27TH broadcast of "*Weekend in Bologna*" and "*101 Cheerleaders plus One Jack*" by A.T.&T. by mid-week.
5. If the Digital Camera is in operation during the week of February 4TH-10TH, we should be able to do a 60 minute **Time and Motion Study** of the hour-long features, such as "*Weekend in Bologna*" in 3-4 hours. Assuming there will be 17x3= 51 films, this would require 204 hours of camera operation. Each 60 minute movie would require 20 sheets of 11"x17" prints (60 pictures per page x 20 pages = 1200 pictures, at one picture every 3 seconds of the 60 minute production). A comparable effect could be achieved by viewing a large television screen with the video recorder in the "fast forward" mode.
6. Dennis Jarrard, the past Chairman of Cardinal Roger Mahony's L.A. Catholic Archdiocese Commission on Obscenity during 1978-1988, has agreed to participate personally and file a civil and criminal complaint against A.T.&T. at the hearing on February 14TH. My present thought is to present a videotape copy of such recordings, and the digitally produced **Time and Motion** analyses which have been prepared to that date, to County District Attorney Steve Cooley on February 12TH.
7. Supervisor Antonovich will seek the support of the various religious organizations to defeat the Yaroslavsky Motion.
8. The films shown by A.T.&T. are also being shown by **Charter Cable** in Glendale. Bob McGuire, my surveillance operator for 11 years in Santa Ana, is video recording the Adult Cable T.V. programs in Glendale, California (**Charter Cable**), and either Ralph Madrigal or Frank J. Reinhart from St. Francis Xavier Parish will video record the Adult Cable T.V. programs in Los Angeles and Whittier, California.

prior to February 14, 2001, in time for him to study the content of films and my claims, for his evaluation of the benefits of federal ~~intervention~~ by the Bush Administration.

Would it be possible to allocate 3 hours of your time for a presentation at your American Financial Group Headquarters in Cincinnati. If that is not possible, I could send a duplicate copy of the videotape of two of such films, such as "*Weekend in Bologna*" and "*101 Cheerleaders plus One Jock*"

PROSPECTUS

1 The Board of Supervisors for Los Angeles County are as follows.

District	Supervisor	Phone & e-mail
First	Gloria Molina	(213) 974-4111 molina@bos.co.la.ca.us
Second	Yvonne Brathwaite Burke	(213) 974-2222 seconddistrict@bos.co.la.ca.us
Third	Zev Yaroslavsky	(213) 974-3333 zev@bos.co.la.ca.us
Fourth	Don Knabe	(213) 974-1434 don@bos.co.la.ca.us
Fifth	Michael D. Antonovich	(313) 974-5555 fifthdistrict@bos.co.la.ca.us

Jean

2 I have video recorded 7 of A.T.&T.'s programs (January 27-31, February 1-2). Each

In support of the legitimacy of my personal request for a substantial financial Grant to cover the costs of this operation, and my claim as to the emergent status of this operation. I am enclosing at Exhibit H: (1) a copy of Robin Gallagher's *Memorandum* concerning her recent conversation with the Custodian of the Library of Congress, and her judgment of the worthwhile value of the deposit of my personal C.D.L. records (and Time and Motion Study analysis) with the Library of Congress (with respect to the movement wtuch you and Charlie Keating⁸ inspired during the thirty year period 1958-1988), alongside the personal correspondence of Justices Brennan and Blackmun wtuch has recently been accepted by the Library of Congress, and (2) inscription page of John Harmer's book, "A War We Must" with Harmer's personal inscription. Also, a copy of the book is enclosed with this letter for your use.

Sincerely yours,

James J. Clancy

JJC/cjc

Exhibits to Letter:

- Exhibit A: October 9, 2000 Letter of James J. Clancy to Carl H. Lindner.
Exhibit B: (Confidential) January 4, 2001 Letter of James J. Clancy to John Harmer.
Exhibit C: Pages 11-18 of the book, "A War We Must Win" by John Harmer.
Exhibit D: Pages 1-34 of the *Motion to Affirm* in the U.S. Supreme Court in *A Motion Picture Entitled "Vixen" v. Ohio ex rel. Keating*, U.S.S.C.T. No. 71-599, October Term, 1971.
Exhibit E: Copy of the Opinion in *Astol Calero-Toledo v. Pearson Yacht Leasing Co.*, supra.
Exhibit F: (1) *St. Louis Post Dispatch* October 20, 2000 news article entitled "Obscenity Trouble in Sodom", and (2) Timothy Egan's 10 page *New York Times* news article dated October 23, 2000.
Exhibit G: Copy of Page 2 and Exhibit 2 of April 4, 1988 Letter of James J. Clancy to Charles H. Keating, Jr.
Exhibit H: (1) *Memorandum* of Robin Gallagher regarding deposit of personal correspondence in the Library of Congress; and (2) Inscription page of the book, "A War We Must Win" by John Harmer.

Encl.: A Copy of the book, "A War We Must Win" by John Harmer.

I. It is a Christian "*Alice in Wonderland*" logic to grant a Presidential Pardon to Marc Rich, who fled the Country, and deny it to Charlie Keating, who "staved the course", fought and won. By copy of this letter, Charles H. Keating is invited to replace me as the Director of the "*Aquinas, d.b.a. La Mancha*" operation as the first step in his request for a Presidential Pardon, so that I can start to write that book about where the source of our problem lies. In my judgment, the coalition which brought down Charlie Keating was the same coalition which did not bnnne down U.S. Attorney General Ed Meese, because President Reagan did not and would not abandon Meese. See in this regard, page 2 and Exhibit 2 of my letter to Charlie Keating, dated April 4, 1988, are attached at Exhibit G.

3 At my meeting with L.A. County District Attorney Steve Cooley, on Monday, February 12TH, I will request: (1) ~~that District Attorney~~ Cooley file a civil abatement action, (2) move for an Injunction against ~~A.T.&T. to abate a Moral Public Nuisance~~ (Lewdness) and Unlawful Business Practice, and (3) make a request for forfeiture of unlawful profits pursuant to *Astol Coho-Toledo v. Pearson Yacht Leasing Co.*, 416 U.S. 633 at 683, et seq., 40 L.Ed.2d 452 at 468, 94 S.Ct. 2080 at ____ (1974); for forfeiture of all of its unlawful profits gained through its entire operation of its "On Demand" Adults Only T.V. Cable operations; further, that he request the U.S. Attorney General to commence Federal Grand Jury Procedures against A.T.&T., based upon the video recordings and Time Motion Study analyses pursuant to the Federal R.I.C.O. Statutes. Alternatively, District Attorney Cooky could present the same materials to the L.A. County Grand Jury on an allegation of conspiracy to violate the California obscenity and moral public nuisance statutes, and unlawful business practices act.

10:00 I am requesting (via this letter) that you allocate 2 hours for me to meet with you in your Office in Cincinnati, Ohio, to personally discuss this matter and convince you of the need for private and Federal action as to this complaint. If I am able to convince you, I would further request that you use your political ability to deliver a copy of this letter to U.S. Attorney General Ashcroft immediately, so that a timely decision by him as to whether the U.S. Attorney General's Office is willing to hear my personal request that he assume the leadership immediately (before the February 14TH here) and commence Federal Grand Jury proceedings against A.T.&T., based upon the R.I.C.O. Statute and other federal violations (to abate such federal public nuisances and to implement the current International Federal Treaty which requires the proscription of such lewd portrayals to other Nations by satellite and other means). I would also like to request that public grants should be authorized by the federal government to assist local state governments (Los Angeles, Glendale, Whittier, etc.) to bring such ~~additional~~ actions in the local communities.

11. If the U.S. Attorney General's Office and the U.S. Attorney chooses not to Intervene, I will ask L.A. County District Attorney Steve Cooley to commence a Los Angeles County Grand Jury investigation against A.T.&T. on the felony charge of conspiracy to commit a violation of the California Obscenity Statutes, the (Moral) Public Nuisance Abatement Statute, and the Unfair Business Practice Act, as I did in 1964 against the defendants in the 1964 Grand Jury Proceedings (i.e., a conspiracy to commit a violation of the obscenity and public nuisance statutes is a felony which is within the L.A. County Grand Jury's jurisdiction).

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